

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

**INDEX Corp., Eastern Plastics, Inc.,
Pulsafeeder, Inc., and Felice DiMascio,** §
§
Plaintiffs, Counter-Defendants, §
§
v. §
§
**Dripping Wet Water, Inc., Allison H.
Sampson, and Richard L. Sampson,** §
§
Defendants, Counter-Plaintiffs. §
§
§
Case No. 1:08-cv-1114
District Judge Milton I. Shadur
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§
§
Document Filed Electronically

[PROPOSED] Order

Plaintiffs brought this action seeking a declaratory judgment that Defendants' claims are barred by a prior settlement agreement and resulting dismissal with prejudice. Defendants now pursue claims relating to (1) addition of inventors pursuant to 35 U.S.C. § 256; (2) declaratory judgment of ownership interest in the DiMascio patents and patent applications and/or right to use such patents and patent applications; (3) unjust enrichment; (4) fraud and intentional concealment and (5) unfair competition.

For the reasons stated in open court on June 3, 2008, this Court grants the declaratory judgment relief sought by Plaintiffs, finding that all of Defendants' asserted claims are barred by the principles of claim preclusion, and thus Defendants' counterclaims in this action are dismissed. The Court's ruling is subject to the exception that, if a patent interference proceeding or assertion of patent infringement occurs in the future, Defendants may have the right to bring these claims at that time.

Date: June 3, 2008

Hon. Milton I. Shadur
Senior United States District Judge